

REMARKS

The Office Action contained an objection to the drawings and rejections of the claims under 35 USC §§112, 102 and 103. Each will be responded to below.

a. Response to Objection to Drawings

The drawings were objected to under 37 CFR 1.83(a) as failing to show the "finger-operable adjustment screw" of claim 23. Specifically, the Examiner stated that the knob is finger operated, not the screw.

Accordingly, by the present Amendment Applicants have amended claim 23 to delete the reference to a finger-operated screw, and to recite a finger-operated knob that is in operative engagement with the threaded shaft, as is shown in the drawings.

Accordingly, it is believed that the objection to the drawings has been obviated by the present Amendment.

b. Response to Rejection of Claims under 35 USC §112

Claim 23 was rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement, for the same reason as the objection to the drawings discussed above, i.e., that the knob is "finger-operated not the screw". As noted in the preceding section, claim 23 has hereby been amended to delete the reference to the finger-operated screw, and to recite the finger-operated knob. It is therefore believed that the rejection of the claims under 35 USC §112 has been overcome.

Claim 21 was rejected under 35 USC §112, second paragraph, as being indefinite, on grounds that the claim was incomplete as appearing to lack the first line defining the adjustable clip assembly.

By the present Amendment, Applicants have corrected claim 21 to include the first line defining the adjustable clip assembly. It is therefore respectfully submitted that the rejection of

the claim under 35 USC §112 has been overcome. An amendment has also been made at line 8 to correct a minor typographical error.

c. Response to Rejections of Claims under 35 USC §§102 and 103

Claims 1-7 were rejected under 35 USC §102(b) as being anticipated by *Spencer* (U.S. 794,561). Claims 8 and 9 were rejected under 35 USC §103(a) as being unpatentable over *Spencer* in view of *Kelly* (U.S. 4,097,169). Claims 15, 16 and 21 were rejected under 35 USC §103(a) as being unpatentable over *Spencer* in view of *Miller et al.* (U.S. 3,896,527). Claim 17-18 were rejected under 35 USC §103(a) as being unpatentable over *Spencer* in view of *Cameron* (U.S. 5,388,313). Claims 17-19 were rejected under 35 USC §103(a) over *Spencer* in view of *Byers et al.* (U.S. 5,046,222). Claims 1-5, 8, 9, 17 and 18 were rejected under 35 USC §103(a) as being unpatentable over *Kelly* in view of *Dinkins* (U.S. 5,245,715). Claims 6-7 were rejected under 35 USC §103(a) as being unpatentable over *Kelly* in view of *Dinkins*, and further in view of *Spencer*. Claims 15, 16 and 21 were rejected under 35 USC §103(a) as being unpatentable over *Kelly* in view of *Dinkins*, and further in view of *Miller et al.* Claim 19 was rejected under 35 USC §103(a) as being unpatentable over *Kelly* in view of *Dinkins*, and further in view of *Byers et al.*

In response to the rejections, Applicants have amended independent claim 1 to include a limitation that is not taught or suggested by any of the references. Specifically, claim 1 has been amended to recite that the ridges of the jaw portions include "surface texturing comprising a multiplicity of small, raised protrusions forming a grainy surface for engaging said sheet material of a tarp." In the Office Action, it was asserted that this feature was shown by the elements "34" in *Miller et al.* Applicants respectfully disagree: The "nodules 34" of *Miller et al.* are discrete, peg-like teeth, and do not form a grainy surface texturing as required by Applicants' claims. Moreover, the peg-like teeth of *Miller et al.* would tend to damage the material of a tarp, which is what Applicants' claimed structure avoids.

In order to anticipate a claim, the reference must show every element of the claim (MPEP 2131). In order to establish obviousness, the references when combined must teach or suggest all the claim limitations (MPEP 2143). Since, as explained above, the references, taken

alone or in combination, do not teach or suggest the limitations that have been included in claim 1 by the present Amendment, it is respectfully submitted that the Amendment has overcome the rejections of claim 1 and its dependent claims 2-9 and 17-19 under 35 USC §§102 and 103.

With regard to the rejection of claim 2 in the Office Action, under 35 USC §102, Applicants respectfully traverse the assertion made with respect to *Spencer* that it "is clear that there is an elastic restoring force to grasp the jaws away from each other"; Applicants respectfully submit that it would be entirely possible to form *Spencer* so that the jaws were biased towards each other (e.g., by displacing the jaws laterally and then bending them past each other), and that the limitation is not inherent in *Spencer*.

With regard to independent claim 21, Applicants respectfully traverse the rejection thereof under 35 USC §103(a) over the combination of *Spencer* and *Miller et al.* Similar to amended claim 1, claim 21 contains an express limitation requiring the "multiplicity of raised protrusions forming a grainy surface for engaging said sheet material of a tarp". For reasons explained above, the references do not teach or suggest this limitation. It is therefore respectfully submitted that the references fail to establish a *prima facie* case of obviousness with respect to claim 21.

d. New Claims

New claim 25 has been added to secure the Applicants the full measure of protection to which they are entitled.

New claim 25 corresponds generally to prior claim 1, and includes a limitation expressly reciting "at least one transversely extending channel formed anterior of said interfitting ridges [on the jaw portions] for receiving and engaging a hem line of said tarp". Support for this limitation is provided in the specification at page 8, lines 13-20; as is stated therein, this arrangement enables the clip to take advantage of the rope/seam so as reduce the possibility of tearing the main sheet material of the tarp.

None of the references teaches or suggest the foregoing limitation, and Applicants therefore respectfully submit that new claim 25 is patentably distinct thereover.



e. Conclusion

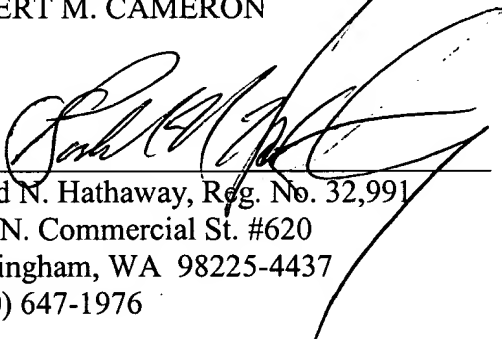
Applicants respectfully request reconsideration of the present application in view of the amendments and remarks set forth herein. It is believed that the above-referenced claims are now in condition for allowance. If there is any matter that can be expedited by consultation with Applicants' attorney, such would be welcome. Applicants' attorney can normally be reached at the telephone number given below.

Signed at Bellingham, County of Whatcom, State of Washington this 18th day of May 2006.

Respectfully submitted,

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